

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

MARCUS TREMAYNE ANTHONY,)	
)	
Plaintiff,)	
)	
v.)	No. 2:14CV94 CDP
)	
NORTHEAST CORRECTIONAL CENTER,)	
et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's letter requesting an extension of time to file his amended complaint, which is due by November 21, 2014. [ECF No. 5]. Plaintiff asserts that he will not be permitted to visit the canteen to purchase postage and envelopes until around November 22, 2014. Additionally, Plaintiff requests that the Court appoint counsel to represent him in this matter.

With regard to plaintiff's request for an extension of time to file his amended complaint, the Court will grant the request and afford plaintiff an additional fourteen (14) days, through December 5, 2014, within which to file his amended complaint.

With regard to plaintiff's request for appointment of counsel, the Court notes that there is no constitutional or statutory right to appointed counsel in civil cases. Nelson v. Redfield Lithograph Printing, 728 F.2d 1003, 1004 (8th Cir. 1984). In determining whether to appoint counsel, the Court considers several factors, including (1) whether the plaintiff has presented non-frivolous allegations supporting his or her prayer for relief; (2) whether the plaintiff will substantially benefit from the appointment of counsel; (3) whether there is a need to further investigate and present the facts related to the plaintiff's allegations; and (4) whether the factual

and legal issues presented by the action are complex. See Johnson v. Williams, 788 F.2d 1319, 1322-23 (8th Cir. 1986); Nelson, 728 F.2d at 1005.

As discussed in the Court's October 22, 2014 Order, it is not yet apparent that plaintiff can state non-frivolous claims under 42 U.S.C. § 1983. Further, the Court finds that the facts and legal issues raised by plaintiff are not so complicated that the appointment of counsel is warranted at this time.


Accordingly,

IT IS HEREBY ORDERED that plaintiff's request for an extension of time to file his amended complaint is **GRANTED**.

IT IS FURTHER ORDERED that plaintiff shall file an amended complaint no later than December 5, 2014.

IT IS FURTHER ORDERED that plaintiff's request for the appointment of counsel is **DENIED** without prejudice.

Dated this 4th day of November, 2014.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE